

SHB 2688 - H AMD 1111

By Representative Morris

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 19.285
4 RCW to read as follows:

5 (1) When requested by a consumer-owned utility or by a person
6 proposing an electric generation project or conservation resource, the
7 director of the department of commerce may seek a formal legal opinion
8 from the attorney general on whether a proposed electric generation
9 project or conservation resource qualifies to meet a target under RCW
10 19.285.040. The governing board of the consumer-owned utility that
11 will use the resource or project must either adopt or reject the legal
12 opinion from the attorney general after public notice and hearing.
13 Under its responsibilities in RCW 19.285.060, the auditor shall
14 consider any project or resource reviewed and adopted under the
15 process in this section as being in compliance with RCW 19.285.040 and
16 19.285.060, but only if: (a) The legal opinion provided by the
17 attorney general affirmatively qualifies the project or resource; (b)
18 the governing board of the consumer-owned utility that will use the
19 project or resource adopts the advisory opinion after public notice
20 and hearing; (c) the project or resource is built or acquired as
21 proposed; (d) there is no court decision regarding a similar project
22 or resource in which the court found that the project or resource did
23 not qualify to meet a target under RCW 19.285.040; and (e) the
24 applicable statutes defining what renewable resources and conservation
25 resources are eligible to meet a target under RCW 19.285.040 have not
26 changed since the legal opinion was issued.

27

1 (2) An electric generation project reviewed and adopted under this
2 section may produce renewable energy credits as defined in RCW
3 19.285.030.

4 (3) Nothing in this section preempts the authority of any
5 governing board of a consumer-owned utility from making a
6 determination, independent of the process in this section, on whether
7 a proposed electric generation project or conservation resource may
8 qualify to meet a target under RCW 19.285.040."

EFFECT: Strikes the provisions of the underlying bill creating a review process led by the Washington State University Extension Energy Program and instead authorizes the Director of the Department of Commerce to seek an Attorney General Opinion (AGO), upon request by a consumer-owned utility or project developer, as to whether a proposed project or resource qualifies to meet a target under Initiative 937. Adds additional criteria that must be met in order for an AGO that is adopted by the consumer-owned utility to be binding on the State Auditor: (1) there is no court decision regarding a similar project or resource in which the court found that the project or resource did not qualify to meet a target under Initiative 937; and (2) the statutes defining what renewable resources and conservation resources qualify to meet a target have not changed since the legal opinion was issued.

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